

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BRUCE BARTMANN,)	CASE NO. CV 15-9160-MMM (PJW)
)	
Petitioner,)	
)	[PROPOSED] ORDER DISMISSING
v.)	HABEAS CORPUS PETITION AND
)	DENYING CERTIFICATE OF
UNKNOWN,)	APPEALABILITY
)	
Respondent.)	
)	

Before the Court is a letter entitled, "Re: Habeas Corpus Petition for Relief," in which Petitioner, who is currently incarcerated at the Los Angeles county jail, complains that his right to a reasonable bail has been violated. The Court construes the letter as a Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2241, *see McNeely v. Blanas*, 336 F.3d 822, 824 n.1 (9th Cir. 2003) (holding petition by state pretrial detainee alleging federal constitutional violation properly falls under 28 U.S.C. § 2241), and denies the Petition without prejudice for the following reasons.

According to the Petitioner, on June 9, 2015, he was arrested on a charge of assault with a deadly weapon, causing great bodily injury, and his bail was set at \$30,000 at the police station. (Petition at 1.) He claims that, on June 11, 2015, he was arraigned and his bail

1 was raised to \$1,000,000, due to the fact that he had prior "strike"
2 convictions. (Petition at 1.) It appears that he is seeking an order
3 from this Court reducing his bail. (Petition at 2.)

4 As a general rule, federal courts do not intervene in ongoing
5 state criminal prosecutions. *Younger v. Harris*, 401 U.S. 37, 45
6 (1971). Though there are exceptions to this general rule, where, for
7 example, "special circumstances" warrant federal intervention, see,
8 e.g., *Braden v. 30th Judicial Circuit Court Of Kentucky*, 410 U.S. 484,
9 489 (1973) (permitting petitioner to seek enforcement of constitu-
10 tional right to speedy trial three years after he had been indicted in
11 state court); *Mannes v. Gillespie*, 967 F.2d 1310, 1312 (9th Cir. 1992)
12 (holding claim that state prosecution will violate Double Jeopardy
13 Clause presents an exception to the *Younger* rule), Petitioner has not
14 presented any such special circumstances here. Nor has he
15 demonstrated that he cannot raise his challenge in the state criminal
16 proceedings. See, e.g., *Lazarus v. Baca*, 389 Fed. App'x 700, 700-01
17 (9th Cir. 2010) (affirming dismissal of petition challenging
18 California state court's "excessive" bail where, inter alia,
19 petitioner had full and fair opportunity to raise his claims in state
20 court).

21 Accordingly, the Petition is dismissed without prejudice.
22 Further, because Petitioner has not made a substantial showing of the
23 denial of a constitutional right, a certificate of appealability will
24
25
26
27
28

1 not issue in this action. See 28 U.S.C. § 2253(c)(2); Fed. R. App. P.
2 22(b); *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003).

3 IT IS SO ORDERED

4 DATED: _December 23, 2015

5
6 

7 MARGARET M. MORROW
8 UNITED STATES DISTRICT JUDGE

9 Presented by:

10 

11
12 PATRICK J. WALSH
13 UNITED STATES MAGISTRATE JUDGE

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 C:\Users\imartine\AppData\Local\Temp\notesC7A056\prop order dismissing.wpd